ADDRESS

OF

JOHN WHIPPLE,

TO THE PEOPLE OF

RHODE-ISLAND,

ON

THE APPROACHING ELECTION.

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ADDRESS.

To the Citizens of Rhode-Island:

As the result of the approaching election appears to my mind to be pregnant with unusual importance, and calculated to produce consequences of weal or of woe, which will not soon pass away, I feel it to be an imperative duty to do all in my power to obtain for it your calm, dispassionate and serious attention. If any apology should be deemed necessary for intruding upon you the opinions of an individual who neither claims nor possesses means of a correct judgment not open to all, I hope it may be found in the fact that I have never been a very obedient follower of party dictation, or a very warm admirer of party leaders.—In nine cases out of ten, the extreme selfishness of office hunters, operates in the double mode of impairing their judgment and neutralizing their integrity.

They easily persuade themselves that every election is important upon which their fate depends, and that all means are justifiable which contribute to their elevation. Without claiming a more unerring judgment, or a more resolute integrity, I simply feel that I am under no similar temptation. I am neither in want of an office nor of any of the equivocal distinctions which office confers, and I feel conscious of no other ambition of a political nature, than that the people of my native State may maintain the high character which, until recently, has never been brought into question.

A further reason for appearing before you in this uncalled for manner is, that I am not very partial to anonymous essays, especially upon momentous questions. Disguise of all sorts, is generally resorted to for some selfish end. If a writer upon political subjects has no other object but truth and correct principles, he exposes himself to no greater risk by giving his name, than he does by an avowal of his opinions upon ordinary subjects, in the daily intercourse of life. In either case, if he commits mistakes, an acknowledgment of them, when pointed out, neither impairs his dignity nor lessons his influence.

But there are higher and weightier reasons than all these for presenting my views to my fellow-citizens upon this occasion. The principles avowed by the party supporting the Carpenter Prox, necessarily tend to annihilate all government, and to destroy the peace of all society. They were first avowed in Rhode-Island by a man whose sole object in life was political power, and whose sole means of attaining it was by addressing the prejudices of the most ignorant class of society.

The most prominent of these principles are, that all power is in the people; that a majority bave a right at their own time and in their own mode, to alter or amend an existing constitution, or to substitute a new one without the assent of the government in being; that a constitution thus made becomes the supreme law of the land, and that all future exercise of power by the existing government, becomes arbitrary and illegal, and may be lawfully resisted by force. Against such visionary, frantic and revolutionary doctrines, I am anxious to record my written and most solemn protest.

I should not feel that I had discharged my duty to myself or to my fellow-citizens, without exerting the little of power I possess in endeavoring to dispel the delusion under which a portion of the well meaning of our population labor.

That delusion is based upon a right which has no existence in fact, and which never can exist; the natural right of a majority to govern the minority. Suppose twelve men, by some disaster, to be thrown together upon an uninhabited island, would seven out of the twelve possess a natural right to establish a constitution of government for the whole? If the five should prefer to live by themselves, would they not possess the right so to do? If the majority possess the right by nature to establish a constitution for the whole, they must necessarily possess the right to dictate the terms of that constitution. They must possess the right to provide that the five should perform all the labor, and that the seven should enjoy the fruits of that labor. In such a case would no the five possess the natural right to resist? If the whole twelve should agree to be bound by such a constitution as a majority should establish, they would be bound by force of their agreement alone. Nature created men with instincts and wants which impel them to live together. But the terms upon which they shall live are matter of compact and of compact alone.

The whole fallacy of the opposite argument consists in supposing that government is the work of nature. *Man* is the work of nature, and government the work of man, as exclusively so as is a house or a shop.

I have asserted that no one man, or class of men, derive from *nature* any power over another man or class of men, and that the power of a majority over a minority is derived from compact and agreement alone. I will endeavor to make this plain and intelligible.

Our ancestors, two hundred years ago, became both the settlers and purchasers of Rhode Island. As purchasers, they had a right to agree among themselves what form of government they should establish. They did agree, and their agreement was ratified by the mother country, which claimed, either rightfully or wrongfully, a jurisdiction over us. They agreed that a local Legislature should be chosen by the owners of the soil, and they confided to that Legislature general powers of government. Those who were not freeholders then, and those who came among us since, knew that the power to admit others to the right of voting was in the Legislature alone. They continued here on those terms. They submitted to that government. They obeyed its laws, and regulated their conduct by the rules prescribed by that Legislature alone The number of non-freeholders cannot alter the principle. If they were a minority, their right to vote or alter the law to which they had submitted, was as perfect as if they were a majority. The freeholders and non-freeholders, by voluntarily choosing this as their place of residence, agreed that the sole power of changing the terms of the elective franchise should remain with the Legislature to be exercised by themselves, or by such portions of the people as the Legislature should designate. This power has been exercised at various times in the modes pointed out by the government, and the people, until recently, have always acquiesced in it, because they have continued to live under those laws. This is the principle, and the only principle upon which any free government can exist. The people of all classes and sexes agreed, by voluntarily remaining here, that the Legislature should be their agents in making new laws or in modifying old ones. They never agreed, either expressly or impliedly, that any other body of men should exercise any power over this subject. Very recently, a new set of men have started a new principle, never before claimed in this State, nor to my knowledge, in any part of the civilized world. To me it is an entirely new principle. The principle is, that a majority of the people themselves, over 21 years of age, without the assent of the Legislature, possess the right to make a new constitution, and that when made, it becomes the supreme law of the land, and may be enforced and established by military power, if the minority refuse their obedience to it. For the sake of this argument, I will take it for granted that there was a majority of the male citizens over 21 years of age, in favor of what is called the People's Constitution. Does that fact alter the principle? Is it not as arbitrary, impracticable and grossly unjust, as if it had been voted for by a minority only? The supporters of this novel and visionary theory contradict themselves at the very first step in their argument. They say that all who are to be controlled by a constitution have a right by nature to a voice in its formation.— Women and children, natives and foreigners, white and black, are to be controlled by the People's constitution, and their rights by nature are the same over me, that mine are over them. They constitute the people to be governed, and upon this new doctrine, it must be a majority of all, and not a majority of a part, which possess the power. Here then is a gross contradiction to commence with. They say they proceed upon our natural rights, but when they come to act, they reject the natural rights of one hundred thousand persons, and confer the whole power of deciding upon our fundamental law, apon a majority of the remaining five and twenty thousand. Thirteen thousand are by nature the majority of 108 thousand! Why do they thus depart from their own principle? The answer is because their principle is impracticable and wholly visionary. It never has been enforced and it never can be.

But its impracticability is not the only objection to it. It is arbitrary and unjust in the extreme. I do not mean that it is arbitrary and unjust to exclude the women and children. It is necessary and just because no other cause is practicable. I do not mean that it is arbitrary and unjust that 13,000 male voters over 21 years of age, should establish a constitution for 25,000 voters, if the 25,000 voters agree either themselves, or through

their Legislature, that they will abide by a constitution which such a majority of such persons shall make. What I do mean is simply this, that no man or class of men can be bound by the acts of another man or class of men, unless he has a voice in the choice of his judges, unless he has an opportunity to be heard upon that choice, unless the proceedings of those judges are regulated by some rule or principle equally fair for all. This is a plain and obvious principle of natural justice which can never be departed from, without destroying the very foundations of government. This right may be waived. A man may voluntarily remain under a government in the measures of which he has no voice. The instances are numerous. Even those who are not entitled to vote, are entitled to be heard, either before the Legislature or before the people at large.

Mark, then, the wide and immeasurable distance between the principle of the people's constitution and of the constitution now in force. Before either of those constitutions was formed, the Legislature was the agent of all the people of the State. Although all did not possess the right to vote, yet all, men, women and children, possessed the undoubted right to be heard by petition and by counsel, upon two questions: 1st. Whether it was prudent and necessary to call a convention to frame a constitution? 2d. If prudent, what class of men should vote upon the appointment of the delegates? The decision of the Legislature binds those who are for and those who are against a convention, and it conclusively and legally settles both the questions submitted to it, because the Legislature constitute the agents of all the people. All the people, therefore, possess the right to be heard by their agents before any decision is made. When made, all are bound by it.

But, further, the Legislature is bound to fix and establish some rule or law by which the opposite parties, at the primary meetings, can prevent the voting of persons not properly qualified. The meetings for the choice of delegates and for the final adoption or rejection of the work of the convention, must be conducted under some fixed rules which are as binding upon the majority as upon the minority. If the votes of all the towns amounted to a majority of the whole, but a portion of them were not polled in compliance with the law, they must be rejected; and so the constitution would fail, though there was a majority for it. Such has been the usage of this and all

other free countries, from the earliest period to the present moment. The parties among the people, whether minorities or majorities, can decide nothing by mere force of being parties.

The majority on one side, and the minority on the other, must be the majority ascertained in the mode designated by the law. Then the minority is bound, because the rule established by its agents, so provided. In other words, because it agreed to be bound through its lawful agents. For a constitution thus established, I would fight, even though I disliked its provisions and voted against it, because it is safer and better to support all constitutions legally made, than to allow them to be trampled upon because they do not square with our individual opinions.

In the above mode of proceeding, you preceive that the parties among the people, are but parties. Like parties in court, they must try their disputes by rules of law, before judges and jurors appointed by the law, and not by the parties.

Let me now endeavor to show the arbitrary, unjust and tyrannical mode of proceeding adopted in forming the People's constitution. I do not complain of it as simply illegal. It is downright tyranny of the worst character.

In the first place, we find a party among the people desirous of an extension of suffrage, and a party against it. They are not judges under oath, or legislators under oath, bound to proceed according to certain rules, but parties, influenced by opposite interests and opposite feelings. They are parties, living under a republican government, which is a representative government. This representative government is guaranteed to us by the constitution of the United States. It is not a pure Democracy, in which all the power is in the people and to be exercised by the people—a government in which the laws are to be changed not by the people themselves-but by their representatives; a government in which no law can be of any binding force upon any one, unless it has been enacted by the Legislature. is the government we have agreed to live under, and this alone. If nine-tenths of the people should meet and repeal a law, it would continue still to be a law. If nine-tenths should enact a new law, it would not bind even those who made it. The people of this country, as a people, possess no power whatever except to appoint their rulers. The people designedly withheld this power from themselves and vested it in representatives, in order to guard against the sudden and dangerous impulses to which large masses are always subject.

In the case under consideration, a portion of the people assumed upon themselves the task of changing our whole form of government—of converting a strictly representative government, under which the people are governed by fixed and stable laws, the result of the deliberation of men under oath, into a pure Democraey-without any rule but the will and passions of the multitude. They proceeded, in the face of the plainest laws, to decide that a new form of government was necessary to settle the question-who the legal people should be-what kind of government they should hereafter live under-and to earry that government into effect by force of arms. They constituted themselves the judges in their own case-to make their own law-to decide their own rules of proceeding behind the back of the other party-to pronounce judgment against them without a hearing—and then proceeded to enforce the execution of them at the point of the bayonet!

Did the minority ever assent to such a government as this? Will they ever submit to it? I do not stop to inquire whether the constitution thus formed is a good one, or a bad one. deny the power to form any constitution in such a manner. If they possess the power to make a good constitution, without any sanction from the laws, they possess the power to make a bad one. Once admit the right of one portion of the people to act directly upon the rights of another, without the intervention of judges and legislators, bound by their oaths to proceed according to fixed rules, and you abolish all law and all government. The party in possession of the most efficient military force, will always declare themselves the majority. A few monied men, under this doctrine, will always be able to influence a sufficient number of the more needy, to give at least the appearance of a majority. If a portion of the people possess the power to establish a constitution in this mode, and to be their own judges of their own majority, they surely possess the power to enact any law they may choose in the same man-They may amend their own constitution by providing that all the expenses of the insurrection and all future taxes shall imposed upon the farmers. That class of men were their most determined opponents, and they will be their first victims. Indeed, where is this power to end? It is a power in a portion of the people to assemble in one town, or in many towns—make a constitution—declare those who voted for it to have been a majority—and then to enforce it at the point of the bayonet. This is the power which they claim. There is no need of meetings in all the towns. The old laws required that, but the sovereign people can provide that a majority may meet in any town that suits their sovereign pleasure, because all power is in them. Remember that our farming population is not increasing—that our manufacturing population is;—and that this is confined to a small part of the State, easily assembled and easily excited. I do not know that any such design exists. This is not the question. Does not the admission of the principle give them the power? Are you, for the sake of a party of any sort or kind, willing to establish such a principle?

I have said that this principle of the power of a majority, as expounded by these new lights, is wholly impracticable, and that no government can exist under it. The people's constititiself, cannot be enforced without overruling, by force of law this pretended and assumed power of a majority.

Suppose at any election of town or state officers under the constitution there should be a majority of qualified voters for one candidate, and a minority for another, but that a portion of the majority, though qualified to vote, did not poll their votes in the mode and manner pointed out by law, would they not be rejected? If the number rejected was so great as to leave a majority on the other side, one of two consequences must follow, either that the minority of legal votes will prevail over the actual majority, or that the actual majority must prevail, although not polled according to the mode pointed out by the election law. If the minority should prevail, then there would be a complete abandonment of the assumed and arbitrary power of a majority. If the illegal majority should prevail, as it ought upon their principles, then no law can exist regulating the mode or the time of polling votes, or the residence of voters. The majority under their constitution may vote as they please, when they please, and where they please. If this principle be correct in voting for a constitution, it must be correct in voting under it. But their own constitution repudiates this doctrine. For it establishes arbitrary tests for the future government of the majority as well as of the minority, because at no election can it ever be ascertained on which side the majority is, without these restrictions as to the time and place, and mode of voting. All civilized nations have practiced upon the principle that there can be no such thing as a majority unless it be a majority polled and ascertained by some permanent law. It is absolutely impossible to proceed upon any other principle.

But even this childish and visionary theory does not help the case of those who resorted to force to establish the People's constitution; for if a majority possess the right, either from nature or implied contract, to control the minority by a new constitution, it must be clearly proved that there was a majority. No doubt whatever must exist as to this fact. The minority have a right to a clear expression of the mind of each individual composing the majority. This expression of his mind is an act to be performed by himself alone. He cannot authorize another to express his mind for him. The laws of all civilized societies therefore require a man to poll his own vote. He cannot authorize another man to vote for him. If there were no other objections to the Peoples constitution than that 5000 names of voters were polled during the last three days, by other persons, for one, I never would submit to it. Whoever exercises any power over my person, by virtue of a constitution obtained by the abominable frauds which marked every stage of its progress, must exercise it after life is extinct. An attempt directly or indirectly, to enforce a constitution thus obtained, can never succeed until thousands of men with arms in their hands are cut down. Whenever the people of this State, by a fair and free expression of their opinions, shall alter the present, or substitute a new constitution, according to the established laws, for one, I am ready to submit to its binding power. But I had rather sink with my family beneath the smouldering ruins of Rhode-Island, than that one of us should dishonor her by a base and cowardly submission to such manifest frauds and undisguised tyranny.

Thus much for the past. Allow me to pass to the future: and, in giving my opinion of what course the true interests of Rhode-Island require every friend of good government to pursue, I feel it my duty to state expressly that I do not wish or expect that any man should be at all influenced by my mere assertion. I should regret the day when the single opinion of any man should decide the vote of an independant citizen of Rhode-Island.

What I do wish is, that every true friend of republican government will calmly and dispassionately consider the reasons which I shall give, and then act according to his own best judgment. I will now proceed to give the principal reasons which influence my mind. They are my own reasons. I do not know that they will be acceptable to the individuals or the party which I shall support, or that their weight and value will be denied by the opposite party. All that I do know is, that they are not given at the request or solicitation of either party, or of any individual of either party. I am alone responsible for the sentiments of this letter.

From a very early period down to the present moment, my main hope of the durability of a free government has been founded in the practical good sense of the middling classes of society. While they are, beyond all comparison, the most useful and indispensable classes, they at the same time suffer most vitally and directly from arbitrary government on the one hand, and from anarchy and confusion on the other. They constitute the main trunk of the body politic, where are found the heart and and the other great vital organs of society There are but few diseases to which society is subject, and none of a fatal character, that do not fasten themselves upon those main and vital classes. They are the great producing classes, the farmers, the mechanics, and the industrious laborers, and are most deeply interested in permanent and steady laws, securing to them fair equivalents for the fruits of their industry. What they most desire is to be exempted from the partial. severe, and exacting laws of a monied aristocracy on the one hand, and from the unstable and tumultuary legislation of the idle, the ignorant, and the floating part of our population, on the other. While it is very natural that the man of great wealth should convince himself that that legislation which increases his influence and his power, will be most beneficial to society, it is equally natural, that the ignorant, the idle, and the profligate should feel that no change can place them lower down, and that any change may raise them higher up. There always has been, and always will be, a tendency to draw the reins too taught, in one end of society, and to loosen them entirely, in the other. As in a storm there is the least motion in the middle of the ship, so in free governments there is the least tendency to sudden changes, in the

middle classes. In those classes has the political power been lodged during the whole two hundred years of Rhode Island history and I challenge the most ardent admirer of revolutionary doctrines, to produce a single instance, from ancient or modern history, of a nation or state whose affairs have been more wisely, more firmly, or more humanely administered. Some errors may have been committed, but, if errors at all, they were not on the side of power, but of humanity. Some partiality may have been evinced by those middle classes, but it was not a partiality that moved up to the rich, but down to the poor, the destitute, and the unfortunate.

The experience of Rhode-Island confirms the previous experience of all other nations. I do not remember a single instance, in ancient or modern times, in which power was not on the whole humanely and judiciously exercised, so long as it remained in the middle classes, nor one in which it did not mount into despotism and cruelty when exercised by the few rich, and in which it did not end in anarchy, tumult and bloodshed, when in the hands of the idle and profligate poor.

By idle and profligate poor, you will not understand me to mean that all or even the mass of the poor are of that character. But those among them who are idle and profligate become the pliant tools of a few ambitious rich, or of designing office-hunters, so that, practically speaking, the result most generally is, that the poorer classes, united to a few of the ambitious rich, generally neutralize the whole power and influence of the middle classes. If this is not the undeviating result as established by history, I have read it to but little purpose. It will continue to be the result here and elsewhere, upon every trial of the experiment.

It cannot be denied that the mass of what is called the Law and Order party are of the middle classes of society, that they have, during the predominancy of one or the other of the great political parties, always been in power, and have always exercised it beneficially. We know then what use these men will make of political power.

On the other hand, we know that a considerable, if not a very large proportion of the opposite party, are from the lowest class; that many of them are needy, and many of them idle and profligate. That they are precisely the class of men whom the few rich or ambitious always have influenced and always will

influence. In no sense can they be called independent voters. If it were my object to rule the State of Rhode-Island in spite of the middle classes, I should begin by flattering its lowest class. What may be the object of Carpenter and his associates, you can determine for yourselves. They are in pursuit of office and power through the agency mainly of the lowest class in point of property; and if they succeed, those of that party who belong to the middle classes will be disappointed if they suppose they are to retain any influence.

But apart from the general objection to changing the source of power and influence which are permanently to control us, I think there are special reasons against the change at the present time. We are not yet fairly out of the revolution which has shaken this State to its very centre. We still hear the howling of the tempest, and still see angry clouds in the sky. It is no time to change old and experienced pilots, for those who are new and untried; and especially for those pilots by whose magic wand the tempest was raised. The same motives which induced them to bring it into existence, may induce them to continue it, especially if they are to act under influences of such a tendency. Allow me for one moment, to call your attention to the position, which, in case of their election, Carpenter and his associates will occupy, and to the influences under which they must act, whatever may be their present intentions.

I understand that it is said, that Carpenter and his associates were opposed to the attempt of the Dorr party to possess themselves of the sovereignty of the State by force of arms, and to wade through blood to political power. I think i most probable that Carpenter was. But why was he opposed to it? Was it because he was unwilling that Dorr should succeed? Did he or did he not justify his resort to arms? He must have justified the measures of Dorr as constitutional and legal, or condemned them as open rebellion. I say he justified them; I say that he was clear and decided in his opinion, that Dorr possessed the legal right to take the short road to power, through blood. He was anxious that he should succeed, but he thought it more expedient to take a more circuitous and peaceable road to the same object. Let us examine this one moment. If Carpenter and his associates did not justify the movement of Dorr, then in their opinion it was open rebellion. It was no half way measure. It was treason and rebellion, or it was a legal and justifiable mode of establishing the People's constitution. Carpenter and his associates believed it to be either the one or the other. If they believed it to be rebellion, why did they not take up arms to suppress it or lend their aid to those who

did? If it was rebellion, Carpenter and his men must have felt it to be an imperative and sacred duty upon any Rhode-Island man to aid in suppressing it. They must take one side or the other of the dilemma. If they believe Dorr's movement was rebellion, they also believe that it was their duty and the duty of every man to suppress it. They must believe that those who did not lend their aid at such a moment, are unfit to be placed in possession of the whole power of the State. I say, then, to Carpenter and to any under similar circumstances, if they believed Dorr's movement was unjustifiable rebellion, and instead of lending their aid to suppress it, they stood idly gazing on while a set of cowardly ruffians were preparing to seize upon the Treasury and the other property of the State, that instead of being rewarded with public honors, they deserve open and public disgrace. They are unfit for any trust of a public or private nature.

But Carpenter and his friends acted with perfect consistency. Their hearts were with Dorr at every stage of his proceedings. They justified his movement as a legal and rightful one; they, therefore, could not oppose a movement which they believed to be legal, nor aid it, because, though legal, they thought it inex-

pedient.

Carpenter and his friends not only so fully justified the rebellion of Dorr, that they refused their own aid in suppressing it, but they threw their whole weight into his scale so far as they could.—No man in the State of Rhode-Island has evinced more bitterness, or applied epithets more opprobious to the government reserve the Computer himself.

ernment party, than Carpenter himself.

Why oppose the government party for putting down rebellion? For doing their duty? Because in his mind it was not rebellion. In his mind Dorr had a right to possess himself of the public property, and the government party had no right to oppose him. Therefore the government party were in his

mind worse than Algerine pirates.

Besides, Carpenter is now supported by the Dorr men. Their newspapers are his newspapers, their orators are his orators. He expounds his principles through the medium of the presses which urged the ruffians to the work of blood and plunder, and he enforces those principles through the aid of orators, whose eloquence is graced with the last polish of a State Prison education.

The position of Carpenter, then, is pretty obvious. He is the leader of the Dorr party—the party which after having failed to possess themselves of the Treasury by violence, now come forward, with all imaginable meckness, and beg the people quietly and peaceably to surrender its possession.

But, it is important to consider, in case Carpenter should be elected, under what *influences* he must act. If elected at all, it must be by the aid, in a very large measure, of the real, un-



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adulterated Dorr men. These men will come suddenly into power with the most exasperated feelings. They have losses to repair—supposed injuries to redress—and old grudges to gratify. The Treasury of the State may call out their first efforts—the most obnoxious Law and Order men may receive the honor of their second notice—and the last, but not less certain objects of their attention, will be the moderate and judicious friends of suffrage who refused their aid in the last des-

perate blow at the sovereignty of the State.

The Dorites will be the Cossacks of the army, and must plunder somewhere, and if the spoils of the enemy should not fully load them, the tents of their friends must make up the deficiency. They are the most active and the most bitter of the party; and in all associations, whether social, religious, or political, the most active and extravagant are generally the most influential, because they are constantly at work, while the more moderate and judicious are attending to their own concerns. There are, doubtless, many honest and well-meaning men of that party; but the leaders will feel, whatever their motives may be, that they were put into power by the aid of Dorr men, and must depend upon Dorr men for their future support. Will they fail to comply with their demands? What class of political men is there in this country who do not reward their most active supporters? As Carpenter and his associates justified the use of arms by Dorr and his party, must they not use all their influence to restore to them the money they have expended, and to repair the losses they have sustained.

If the People's constitution was the only legal and binding constitution, were not the Dorr party fully justified in endeavoring to sustain it? Are Carpenter and his associates the men to whom you are willing to confide the decision of such a question?

To the moderate and well disposed men of the suffrage party, men who are the real friends of the free institutions under which we live, I put the question, Can you gain any thing by allying yourselves to the Dorr party? If once admitted to your counsel and to your alliance, will you not have every thing to fear from their bitterness and their fury? Can you suppose that you are to guide the measures of the party? To those of the Law and Order party I say, do your duty to the full; not in bitterness and hostility of spirit, but with the most determined firmness. The great question whether the political power of the State is to pass out of the hands of the middle classes, is about to be decided. If it does not, peace and harmony will be restored. If it does, the forms of a free government may remain, but its salutary spirit will depart forever.

JOHN WHIPPLE.